

## **REMARKS**

### **I. Status of the Application**

Claims 1-10 are all the claims pending in this application. Claims 1-10 and are rejected under 35 U.S.C. 102(e) as allegedly being anticipated by Inoue et al, US. Patent Publication No. 20010011373.

### **II. Claim Rejections**

#### **Claims 1-5**

In the Examiner's response to Applicant's remarks of November 27, 2007, the Examiner states that "Inoue by himself discloses updating, tuning, and storing" (Office Action, page 2), and points to separate paragraphs which allegedly disclose those elements, but fails to drawn the temporal connection between those elements recited in claim 1. The Examiner has failed to explain how the cited updating of program information, associated with moving the cursor in the time axis, corresponds to tuning the selection channel, as claims 1 and 3 recite.

In the grounds of rejection, the Examiner changes his interpretation of Inoue and newly cites paragraph 0063 as disclosing tuning the selection channel. However, the Examiner neglects the way that the claim elements are connected in the claim language. Claim 1 recites "whenever a selection channel is selected ... tuning the selection channel and updating corresponding EPG information." The Examiner ignores the temporal limitation specifying *when* the EPG information is updated, and simply identifies several paragraphs of Inoue reciting "updating, tuning, and storing" without even asserting that Inoue discloses the claimed relationship between

the claim elements. In fact, Inoue does not disclose “whenever a selection channel is selected ... tuning the selection channel and updating corresponding EPG information.” The cited tuning to a receiving band of paragraph 0063 is not accompanied by “updating corresponding EPG information”; paragraph 0063 discloses an antenna receiving a broadcast wave including information to be used for displaying EPG. The remainder of paragraph 0063 and paragraphs 0064-0066 describe the decoding of the broadcast information and extraction SI information, which is stored in RAM 16 and then displayed in an EPG. There is no disclosure of updating EPG information “whenever a selection channel is selected.” Indeed, for updating EPG information, the Examiner looks to paragraph 0103, which is not connected at all to the tuning to a receiver band disclosed in paragraph 0063, but instead discloses that when a cursor is moved in the time axis direction, the time band display area is updated.

As explained in our previous Remarks, paragraph 0103 does not disclose “*whenever a selection channel is selected ... tuning the selection channel and updating corresponding EPG information.*” The Examiner’s new citation of 0063 adds nothing to the previous rejection, as it simply discloses channel tuning not connected to the alleged updating of corresponding EPG information, as required by the language of claim 1. The tuning of a channel selected by a user, a function of a tuner of a standard TV disclosed by Inoue, is not associated with and does not disclose that “whenever a selection channel is selected from among the N channels for which the EPG information is displayed, tuning the selection channel and updating corresponding EPG information”, as recited in claim 1.

Claim 1 is thus still patentable over Inoue in light of the Examiner’s new rejection of claim 1. Claim 2 is patentable due to its dependency. Claim 3 recites “if a selection channel is selected from among the N channels for which the EPG information of N channels is displayed

in operation (c), tuning the selected channel and updating corresponding EPG information.” The Examiner likewise fails to address this limitation of claim 3, pointing to the same disconnected disclosure of elements as in claim 1, and claim 3 is thus patentable over Inoue for reasons similar to those outlined above. Claims 4-5 are patentable due to their dependencies.

Claim 6-7

In responding to Applicant’s comments with regard to claim 6, the Examiner asserts that Matsuyama discloses “updating the EPG information by acquiring information related to a broadcast in the channel search” (Office Action, page 3). Here again, the Examiner refers to elements of the claim without addressing the claimed interrelationship. Claim 6 recites “a control unit configured to ... to tune a channel selected from among channels for which the EPG information is displayed by said display unit, *and then* to update EPG information corresponding to the selected channel.” This temporal limitation is completely ignored by the Examiner, and in fact the Examiner’s comments demonstrate that the updating of EPG information is associated with “acquiring information related to a broadcast in the channel search”, rather than “tun[ing] a channel”, as recited in claim 6. There is no disclosure of this limitation of claim 6 in Matsuyama, and the Examiner has not addressed this limitation of claim 6.

Finality of the Present Office Action is Improper

However, the Examiner has introduced a new rejection of claims 6-7 based on Inoue, and has apparently withdrawn the rejection of claims 6-7 based on Matsuyama, as it is not found in the current Office Action. The Examiner asserts that the new grounds of rejection of this Office Action were necessitated by Applicant amendments, but this is clearly not the case with respect to claims 6-7, as they were not amended. It is not proper to make a rejection final “where the

examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims, nor based on information submitted in an information disclosure statement", as is clearly the case here (MPEP 706.07(a)). Applicant therefore asserts that the finality of the present rejection is improper and requests that it be withdrawn.

The new rejection of claims 6-10 is deficient at least with respect to "a control unit configured to tune a current channel and to detect corresponding broadcast information upon receipt of a request command of an EPG mode, to tune a channel selected from among channels for which the EPG information is displayed by said display unit, *and then* to update EPG information corresponding to the selected channel", as recited in claim 6. The Examiner has not pointed to the necessary temporal connection between channel selection and the updating of EPG information, and in fact there is no such connection disclosed by Inoue.

Furthermore, claims 6 recites that "a display unit configured to display an image signal output from said image signal processing unit and the EPG information output from said EPG generating unit; and a control unit configured to tune a current channel and to detect corresponding broadcast information upon receipt of a request command of an EPG mode, to tune a channel selected from among channels for which the EPG information is displayed by said display unit, and then to update EPG information corresponding to the selected channel." EPG information of a specific channel is thus updated, while EPG information is being displayed on a display unit. In contrast, Inoue discloses that a cursor 33 is moved to a program cell which is not included in the program display area 32, to update program display area 32 (paragraph 87). The system of Inoue thus does not update EPG information on a channel "for which the EPG

information is displayed by said display unit”, as recited by claim 6. Claim 6 is patentable over Inoue additionally due to this difference.

Claims 8-10

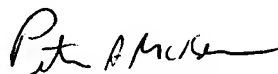
In responding to new claims 8-10, the Examiner points to paragraph 0066 as disclosing “the EPG information corresponding to the selected channel is updated in a memory unit where such information is stored”. This paragraph discloses extracting SI information by the demultiplexer, and storing the information in RAM 16 to be displayed in an EPG. There is no disclosure that this information is updated, simply that it is received. Further, there is no assertion that “EPG information *corresponding to the selection channel* is updated”. The Examiner simply fails to make this connection. These features of claims 8-10 are not disclosed by Inoue. Claims 8-10 are thus patentable over Inoue at least due to these features, as well as their respective dependencies.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880 via EFS payment screen. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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